

# Court of Appeals, State of Michigan

## ORDER

People of MI v Michelle Lisa McCarver

Docket No. 280134

LC No. 2007-402159-FH

David H. Sawyer  
Presiding Judge

Joel P. Hoekstra

Jane E. Markey  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES that portion of the June 15, 2007, order of probation that directs defendant to pay for her court-appointed attorney and court costs, and REMANDS this matter to the sentencing court to consider its order directing defendant to reimburse these costs in light of defendant's current and future financial circumstances and ability to pay. *People v Dunbar*, 264 Mich App 240, 251-256; 690 NW2d 476 (2004). At the court's discretion, the decision may be based on the record without need for a formal evidentiary hearing. If the court decides to order defendant to pay attorney fees, it shall do so in a separate order, and not the judgment of sentence. *Id.* at 256; *People v Nowicki*, 213 Mich App 383, 386-388; 539 NW2d 590 (1995). This order has immediate effect. MCR 7.215(F)(2). The Court does not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP 24 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk